

**CBD Ordinance
Enabling Legislation**

**City Hall, February 23, 1978
Calendar No. 7319
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No.6699 Mayor Council Series

By: Councilmen Bagert, Ciaccio, Davis, DiRosa, Early and Friedler

An ordinance creating and empowering the Central Business District Historic District Landmarks Commission to regulate, preserve, and protect historic districts and landmarks within the Central Business District of New Orleans (as hereinafter defined); and providing for the powers, duties, authority, and standards of said Commission.

Section I. The Council of the City of New Orleans hereby ordains, that the purpose of this ordinance is to promote Central Business District historic districts and landmarks for the educational, cultural, economic, and general welfare of the public through the preservation, protection, and regulation of buildings, sites, monuments, structures, and areas of historic interest or importance within the Central Business District of New Orleans; to safeguard the heritage of the Central Business District and the City by preserving and regulating historic landmarks and districts which reflect elements of its cultural, social, economic, political, and architectural history; to preserve and enhance the environmental quality of the Central Business District; to strengthen the City's economic base by stimulation of the tourist industry; to establish and improve property values; to foster economic development; and to encourage growth and provide eligibility for tax and other advantages available to property owners in districts by the Federal Tax Reform Act of 1976 and other applicable State and Federal legislation.

Section II. Central Business District Historic District Landmarks Commission.

The City Council of New Orleans hereby creates a commission to be known as the Central Business District Historic District Landmarks Commission, to be commonly known as the CBD Historic District Landmarks Commission for the purpose of regulating historic districts and historic landmarks designated within the Central Business District of the City of New Orleans pursuant to State Constitution of 1974 and Acts 273 of 1974 and 804 of 1975 and the provisions of this ordinance. The Commission shall consist initially of eleven (11) members, appointed by the Mayor as hereinafter provided subject to approval of a majority vote of the City Council for four (4) year terms each except that the terms of members of the first Commission shall be "staggered" as follows: three (3) members for four (4) year terms, three (3) members for three (3) year terms, three (3) members for two (2) year term, and two (2) members for 1 (one) year terms. Successors shall serve four (4) year terms thereafter except that no member shall serve more than eight (8) years. Vacancies on the Commission shall be filled for the remainder of the unexpired term(s) and vacancies shall be filled by appointment in the same manner as the original appointments. A chairman and vice-chairman shall be elected annually from the members of said Commission. All members shall serve without compensation.

Section III. Qualifications for Membership.

Members of the Commission must be electors and residents of the Parish of Orleans and shall, except as otherwise provided herein, also be property owners or have their principal place of business within the

Central Business District . The members of said Commission shall be appointed by the Mayor as follows: One from a list of two persons recommended by the Central Area Council of the Chamber of Commerce; one from a list of two persons recommended by the Downtown Development District; one from a list of two persons recommended by the New Orleans Chapter of the American Institute of Architects; one from a list of two persons recommended by the Preservation Resource Center; one from a list of two persons recommended by the Historic Faubourg St. Mary Corporation; one from a list of two persons recommended by the Retail Merchants Bureau; one from a list of two persons recommended by the New Orleans Savings and Loan League; one from a list of two persons recommended by the Chamber of Commerce; one from a list of two persons recommended by the Real Estate Board who need not necessarily own property or have their principal place of business within the Central Business District; and two persons who need not necessarily own property or have their principal place of business within the Central Business District.

Section IV. Powers and Duties.

The Commission shall exercise only those powers and duties granted by this ordinance or those powers and duties which may be assigned to it at a later time by the City Council.

Section V. Definitions.

For the purpose of this ordinance the following definitions shall apply:

A. Alteration. Any change because of construction, repair, maintenance, or otherwise to building located within an historic district or designated as a landmark.

B. Applicant. The record owner of the site and/or building located thereon, the lessee thereof, or a person holding a "bona fide" contract to purchase same.

C. Building. Any structure, place, or any other construction built for the shelter or enclosure of persons, animals, or chattels, or any part of such structure when subdivided by division, walls, or party walls extending to or above the roof and without openings in such separate walls.

The term "building" shall be construed as if followed by the words "or any part thereof."

D. Central Business District. The area of the City of New Orleans which falls under the jurisdiction of the Central Business District Historic District Landmarks Commission bounded by the Mississippi River, the down river right of way of the Pontchartrain Expressway, the center line of Claiborne Avenue and the center line of Iberville Street.

E. Certificate of Appropriateness. A document evidencing approval of the Commission for work proposed by an applicant.

F. Commission. The Central Business District Historic District Landmarks Commission.

G. Construction. The erection of any on-site improvements on any parcel of ground located within an historic district or on a landmark site, whether the site is presently improved, unimproved, or hereafter becomes unimproved by "demolition," "demolition by neglect," destruction of the improvements

located thereon by fire, windstorm, or other casualty, or otherwise (hereinafter such a parcel of ground shall be referred to as "site").

H. Demolition. The complete or constructive removal by an applicant of a building on any site.

I. Demolition by neglect. Neglect in the maintenance of any building resulting in any one or more of the following: (1) The deterioration of a building to the extent that it creates or permits a hazardous or unsafe condition as determined by the Department of Safety and Permits. (2) The deterioration of a building(s) characterized by one or more of the following: (a) Those buildings which have parts thereof which are so attached that they may fall and injure members of the public or property. (b) Deteriorated or inadequate foundation. (c) Defective or deteriorated floor supports or floor supports insufficient to carry imposed loads with safety. (d) Members of walls, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration. (e) Members of walls or other vertical supports that are insufficient to carry imposed loads with safety. (f) Members of ceiling roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration. (g) Members of ceiling, roofs, ceiling and roof supports, or other horizontal members that are insufficient to carry imposed loads with safety. (h) Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration. (i) Any fault, defect, or condition in the building which renders the same structurally unsafe or not properly watertight. (3) Action by the City, the State Fire Marshall, or the Department of Safety and Permits relative to the safety or physical condition of any building.

J. Earthworks. Any subsurface remains of historical, archaeological, or architectural importance or any unusual ground formation of archaeological significance.

K. Exterior. All outside surfaces of any building.

L. Landmark or Landmark Site. A building(s) (landmark) and/or its lot of record or any part thereof or vacant sites (landmark site), wheresoever located in the Central Business District of the City of New Orleans subject to the jurisdiction of the Central Business District Historic District Landmarks Commission, of particular historic, architectural, or cultural significance, which said landmark and/or landmark site meets at least one of the following criteria: 1) Exemplify or reflect the broad cultural, political, economic, or social history of the nation, state, or community; or 2) Are identified with historic personages or with important events in national, state, or local history; or 3) Embody distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period, style, method of construction, or indigenous materials or craftsmanship; or 4) Are representative of the notable work of a master builder, designer, or architect whose individual ability has been recognized.

M. Ordinary Repairs and Maintenance. Work done on a building in order to correct any deterioration, decay of, or damage to a building or any part thereof in order to restore same as nearly as practical to its condition prior to such deterioration, decay or damage.

N. Ratings of Significance. The value placed on a building as to its architectural or historical importance, falling into one of the following:

Category A.- Buildings of National Importance. These nationally important buildings include important works by architects having a national reputation, buildings or groups of buildings selected for inclusion

in the National Park Services' Register of National Historic Landmarks, or unique examples illustrating American architectural development. In addition to the architectural significance of the buildings in this classification, they may be associated with historical events of persons that have national importance.

Category B.- Buildings of Major Architectural Importance. Buildings in this classification include outstanding examples of works by notable architects or builders; unique or exceptionally fine examples of a particular style or period when original details remain; buildings which make up an important, intact grouping or row, even when some of the buildings within the group have been defaced; and noteworthy examples of construction techniques when the original fabric of the building is basically intact.

Category C.- Buildings of Architectural or Historical Importance. This category includes buildings that are typical examples of architectural styles or types found in New Orleans, when the building retains its original architectural details and makes a notable contribution to the overall character of a particular area of the CBD. In some cases, buildings of lesser architectural importance will be included in this category if they introduce an important keynote to an area or have specific historical significance related to either an historical event or person.

Category D.- Important Buildings that have been Altered. This category generally includes important buildings dating from the nineteenth century that have had much of their exterior architectural details removed or covered. Due to their scale and basic construction, however, these buildings still make a notable contribution to the overall character of a particular area. If a building in this classification were to be properly restored or renovated, the rating would automatically be raised.

Category E.- Buildings that Contribute to the Scene. These buildings generally date from the late nineteenth century or twentieth century and are typical examples of an architectural period or style. Though these buildings are of lesser stylistic importance, and are frequently quite modest in appearance, they are important to the character of the area due to scale, materials, and/or age.

Category F.- Unrated Buildings. Buildings that have not been given a specific architectural rating. These buildings are generally twentieth century structures that have no real architectural value.

Section VI. Historic District Powers and Regulations.

A. No private building, structure, or edifice, including fences, boundary walls, signs and paving shall be erected, altered, restored, moved, or demolished within any district until after an application for a Certificate of Appropriateness as to exterior architectural features has been submitted to and approved by the Commission. Similarly, if earthworks of historical or archaeological importance exist in a district, there shall be no excavation or moving of earth, rock, or subsoil without a Certificate of Appropriateness. For the purpose of this ordinance "exterior architectural features" shall include but not be limited to the architectural style, scale, general design and general arrangement of the exterior of a structure, including the kind and texture of the building material, type and style of all roofs, windows, doors, and signs. The style, scale, materials, and location of outdoor advertising signs and bill posters within a district shall also be under the control of the Commission.

B. The Commission shall not consider interior arrangement or use, but shall consider the relationship of the exterior of the building concerned with all others in the district so as to avoid incongruity and promote harmony therewith. In all instances the Commission shall regulate those outside surfaces of a building that can be viewed from a public right of way or street.

C. The Commission shall review all buildings within the district and shall, after a public hearing, categorize all said buildings as to Ratings of Significance.

D. Nothing in this ordinance shall be construed to prevent ordinary maintenance or repairs which do not involve a change of design, material, or of the outward appearance of a building.

Section VII. Certificate of Appropriateness.

A. The Commission shall prescribe the procedure for making application for a Certificate of Appropriateness.

B. The applicant shall, upon request, have the right to a preliminary conference, with the Commission staff and any member of the Commission who chooses to attend after receiving a notice thereof, for the purpose of making any changes or adjustments to the application which might be more consistent with the Commission's standards.

C. The Commission shall hold a public hearing upon each application for a Certificate of Appropriateness affecting property under its control except in those instances where the Commission has determined that the application for a Certificate of Appropriateness does not involve a material change; or involves an exterior alteration that complies with the standards adopted by said Commission or is on a structure whose Rating of Architectural Significance falls into Category E or Category F and does not detrimentally affect the tout ensemble of the area; or is for new construction which meets the criteria for new construction as set forth in Section VIII, "A" of this ordinance, in which case the Commission shall designate its approval through its staff. If an application for an exterior alteration to a structure whose Rating of Architectural Significance falls into Category E or Category F or for new construction does not comply with the standards adopted by the Commission, the application shall be placed before the full Commission for public hearing at its next regularly scheduled meeting. Notice of the time and place of said hearing shall be given by publication in the form of a legal advertisement appearing in the official journal of the City of New Orleans or in a newspaper having general circulation in Orleans Parish, at least seven (7) days prior to the date of such hearing, and by posting of such notice on or near the main entrance of any hall or room where the Commission usually meets. In addition, notices shall be mailed at least seven (7) days prior to the date of such public hearing to (1) all persons owning property on both sides of the property subject to the application, (2) the applicant, (3) the Director, City Planning Commission of the City of New Orleans, and the Director, Department of Safety and Permits.

D. Within not more than forty- five (45) days after filing of an application, the Commission shall act upon it, either approving, denying or deferring action, giving consideration to the factors set forth in Section VIII below. Approval of demolition, signs, and exterior alterations to buildings whose Ratings of Architectural Significance fall into Category A, Category B, Category C, or Category D shall be determined by a majority vote of the Commission. Approval of new construction and exterior alterations to buildings whose Ratings of Architectural Significance fall in Category E or Category F shall only be denied by a majority vote of the Commission. Evidence of approval of the application shall be by Certificate of Appropriateness issued by the Commission; and whatever its final decision, notice in writing shall be given to the applicant, the City Planning Commission, and the Department of Safety and Permits. The Commission shall keep a record of all its actions under this ordinance or its rules and procedures.

E. No permit shall be issued by the Department of Safety and Permits which affects a site or structure in any district or a landmark site without a Certificate of Appropriateness.

F. The Commission shall have the right to make such recommendations for changes and modifications as it may deem to be necessary in order to enable the applicant to meet with its requirements.

G. Nothing contained in this section shall be construed as amending or revoking the provisions of the Comprehensive Zoning Ordinance of the City of New Orleans (Ordinance 4264 M.C.S., as amended).

H. Nothing contained herein shall prevent the making of any temporary construction, reconstruction, demolition or other repairs on a landmark, landmark site, or building in a district pursuant to the order of any governmental agency or court for the purpose of remedying emergency conditions determined to be dangerous to life, health, or property provided that in case of demolition, prior notice of such actions shall be given to the Commission.

I. Where, by reason of topographical conditions, irregularly shaped lots, or because of unusual circumstances applicable solely to the particular applicant, strict enforcement of the provisions of this ordinance would result in serious undue hardship particularly affecting said applicant, then the Commission, in passing upon his application shall have the power to vary or modify adherence to this ordinance; provided always that its requirements insure harmony with the general purpose hereof and will not adversely affect an historic preservation district as a whole or any designated landmark. Guidelines for the application of this subpart shall be developed by the Commission as a part of its operational rules and procedures.

J. The applicant shall post the Certificate of Appropriateness on the exterior of the building where plainly visible for public inspection during the period of construction.

K. All Certificates of Appropriateness shall expire one hundred eighty (180) days after the date of issuance if work as approved has not begun. To protect the continued validity of such Certificates of Appropriateness work shall proceed expeditiously to completion. The Commission and/or staff, however, shall have the authority to issue Certificates of Appropriateness for such period of time as may deem necessary.

Section VIII. Criteria for the Issuance of Certificates of Appropriateness.

The Commission shall adhere to and seek compatibility of structures in the district and in so doing, the following guidelines shall be considered by the Commission in passing upon application for a Certificate of Appropriateness:

A. For new construction: (1) All new construction shall be visually compatible with the buildings and environment with which they are related. (2) The general design, scale, gross volume, arrangement of the site plan, texture, material, and exterior architectural features of new construction shall be in harmony with its surroundings and shall not impair the tout ensemble of the neighborhood. (3) No one architectural style shall be imposed. (4) Quality and excellence in design should be major determinants.

B. For exterior alterations: (1) All exterior alterations to a building itself and other buildings with which it is related, as provided in A (2) above and in applying these standards, the original design of the building

may be considered. (2) Exterior alterations shall not affect the architectural character or historical quality of the building.

C. For signs: (1) The scale, and design of any sign should be compatible with the buildings and environment with which it is related. (2) The materials, style, and patterns used in any sign should be compatible with the buildings and environment with which it is related.

D. Demolition: In considering an application for the demolition of a landmark or a building in an historic district, the following shall be considered: (1) The historic or architectural significance of the building. (2) The importance of the building to the tout ensemble of the district. (3) The special character and aesthetic interest that the building adds to the district. (4) The difficulty or impossibility of reproducing such a building because of its design, texture, material, or detail. (5) The future utilization of the site.

E. Destruction of non-conforming use: The reconstruction of buildings legally non conforming as to use and destroyed by fire, storms, or other Acts of God shall be governed by the provisions of the zoning ordinance except that the Commission shall regulate the exterior design of such buildings in accordance with the criteria set forth in Section VIII of this ordinance.

Section IX. Landmarks Powers.

The Commission shall exercise the following powers:

A. To designate a building(s) and/or its lot of record or any part thereof or to designate vacant sites as historic and worthy of preservation as a landmark within the jurisdiction of the Commission provided such determination is ratified by a majority vote of the City Council;

B. Recommend appropriate legislation for the preservation of any building, structure, site, monument, area or other landmark which it has so named or designated;

C. Make application for public and private funds when appropriate and available;

D. Review applications proposing erection, alteration, restoration or moving of any building, structure, site, monument, area or other landmark which it has so named and designated, and to issue or deny Certificates of Appropriateness accordingly;

E. Review all applications for demolition permits proposing demolition of all or part of any buildings, structure, monument or other landmark which it has so named and designated, and to issue Certificates of Appropriateness or to deny them for one year;

F. Work with the owner of landmark property throughout the year following a refusal to issue a Certificate of Appropriateness pursuant to an application for a demolition permit, and to seek alternative economic uses for the landmark property;

G. Renew its denial of a Certificate of Appropriateness for demolition of landmark property for additional one year periods indefinitely thereafter, following a public hearing each time at which the owner of the affected property shall be afforded an opportunity to appear with counsel and to present testimony;

H. Prohibit the issuance of Certificates of Appropriateness for demolition affecting property under landmark nomination; and

I. Prohibit the issuance of Certificates of Appropriateness for work other than demolition affecting any property under landmark nomination unless: (1) the Commission's staff has determined that the application is for ordinary maintenance and repairs or for modifications more appropriate to the style and period of the building, or (2) the Commission has determined that the application conforms with the criteria set forth in Section VIII of this ordinance.

Section X. Landmarks Designation Procedure.

A. The following procedure shall be followed in designating as a landmark any building, structure, site, or monument worthy of preservation: (1) The Commission shall nominate for landmark designation any property on the motion of any Commission member and seconded by two (2) additional Commission members. Such motion shall only be made, however, after notification of the proposed nomination is made to the owner of record by certified mail at least fourteen (14) days prior to said nomination. (2) Notice of a proposed designation shall be sent by certified mail to the owner of property nominated for landmark designation, describing the property nominated and announcing a public hearing by the Commission to consider said designation. At least ten (10) days prior to the public hearing, as described in paragraph 5 below, the Commission shall provide to the owner of the property copies of any written reports and other documentary evidence which it intends to present at said public hearing regarding the historic and architectural importance of the property under consideration for landmarks designation. (3) The Commission shall also send notice of the nomination to all city agencies having previously requested notification of such proceedings; and to other parties customarily informed by the Commission of such proceedings. (4) The Commission shall also cause notice of the nomination to be published at least thirty (30) days prior to the public hearing in the official journal of Orleans Parish and shall post notice of the hearing in the place where the Commission meets, and in addition, such notice may be also published in a newspaper having general circulation in Orleans Parish. (5) At the public hearing: (a) The Commission may solicit expert testimony regarding the historic and architectural importance of the building, structure, site, monument, area, or other landmark under consideration for landmark designation. (b) The Commission may present testimony or documentary evidence of its own to establish a record regarding the historic and architectural importance of the property under consideration for landmark designation. (c) The Commission shall afford to the owner of said property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of the property under consideration for landmark designation. (d) The owner of the property under consideration for landmark designation shall have the right of representation by counsel and reasonable opportunity to cross examine witnesses presented by the Commission. (e) Any interested party may present testimony or documentary evidence regarding the property under consideration for landmark designation at the public hearing and may submit to the Commission documentary evidence within three (3) days after the hearing. (6) Within sixty (60) days after the public hearing the Commission shall render a final decision regarding the landmark designation and shall give written notice of its decision to the owner of the property setting forth the reasons thereof. (7) Said property shall remain under landmark nomination until the Commission renders a final decision on the landmark designation. (8) The Commission shall maintain a record of all testimony and documentary evidence submitted to the Commission for consideration during the landmark designation procedure. (9) All landmark designations shall not be final until ratified by the City Council at any regular or special meeting. (10) Within thirty (30) days of the date on which the City Council ratifies the Commission's designation of any building, structure, site, or monument as a landmark worthy of preservation, the Commission shall cause to be

filed in the conveyance office of Orleans Parish a certificate of notification that such property is designated a landmark, and said certificate of notification shall be maintained on the public records until such time as the landmark designation may be withdrawn by the Commission or the City Council.

B. At such time as a landmark or landmark site has been finally established in accordance with this Section, the Commission may cause to be prepared and erected on the landmark or landmark site a suitable plaque declaring that such is a landmark or landmark site.

Section XI. Additional Commission Powers.

The Commission shall have the following additional powers:

Make periodic reports to the City Council; provide information to property owners and others involving the preservation of the district; suggest pertinent legislation; recommend planning and zoning proposals; cooperate with other regulatory agencies and civic organizations and groups interested in historic preservation; review all application for zoning variances, changes and conditional uses where they affect the district; render advice with reference to sidewalk construction and repair, tree planting, street improvements, and also the renovation, restoration, or construction of public buildings; furnish information and assistance in connection with any capital improvement program involving the historic area; consult with the National Trust for Historic Preservation and other expert groups; administer such financial mechanisms as the City Council may establish for the welfare of the City within a district; and collect fees subject to City Council approval; appoint advisory boards from time to time; and promulgate operational rules and procedures which said rules and procedures shall be submitted to the City Council for ratification in order for the Commission to implement the powers and authority granted to the Commission by the ordinance.

Section XII. Demolition by Neglect.

In the event the Commission determines that a building or landmark is being "demolished by neglect," they shall notify the owner of record of this preliminary finding, stating the reasons therefore, and shall give the owner of record thirty (30) days from the date of notice in which to commence work rectifying the specifics provided by the Commission. Such notices shall be accomplished in the following manner: (1) by certified mailing to the last known address of the owner of record; or (2) in the event the procedure outlined in (1) above is not successful, then notice shall be attached to the building or landmark twice within a week. Upon the owner of record's failing to commence work, the Commission shall notify the owner of record in the manner provided above to appear at the next public hearing of the Commission. The Commission's staff or representative shall present to the Commission at said public hearing the reasons for the notice, and the owner of record shall have the right to present any rebuttal thereto. If, thereafter, the Commission shall determine that the building or landmark is being "demolished by neglect," and no efforts made to preserve it, the City may, through the Director of Safety and Permits or other appropriate officer of said department, bring charges against the owner of record for the violation of this ordinance; and the City may cause such property to be repaired at its expense at such time as funds are appropriated; and in which event the City may file an affidavit of the Director of the Department of Safety and Permits to this effect in the office of the Recorder of Mortgages for the Parish of Orleans, which said notice shall constitute a lien and privilege against the property.

Section XIII. Commission Enforcement Powers.

Upon request, the Department of Safety and Permit may aid the Commission in making all necessary inspections in connection with the enforcement of this ordinance, and furnish the Commission with copies of the reports of their inspections. Employees of the Department of Safety and Permits shall have the same right to inspect premises in connection with the enforcement of this ordinance as they now have in relation to zoning and other violations under the jurisdiction of such department.

It shall be the duty of the Commission, through its Director or other appropriate officer to send notices to all persons who may be in violation of the provisions of this ordinance or the rules and procedures of the Commission and inform them of such violations. If such a violation has been noted and the owner informed of the violation, and said violation has not been corrected within ten (10) days, a second notice shall be sent giving the owner five (5) days within which to comply or demonstrate an intent to comply. If such second notice has not been complied with then it shall be the duty of the Commission through its Director to prosecute or to cause to have prosecuted such violations of this ordinance in the Municipal Court of the City, or such other court of competent jurisdiction as may be proper, either civil or criminal.

Failure to comply with the provisions of this ordinance or the rules and procedures of the Commission shall constitute a violation hereof and may be punishable by a fine of not less than \$50.00 nor more than \$100.00 per day that the violation continues; and if said violation continues for more than ten (10) days, in addition to said fine, by imprisonment for not more than sixty (60) days.

The Commission, through its Director or other appropriate officer, shall have the right to enforce any violations of this ordinance or the rules and procedures of this Commission by civil action for injunctive relief or other appropriate remedy brought on in the name of the City of New Orleans, including the stoppage of any work attempted without or contrary to a Certificate of Appropriateness issued under this ordinance.

Section XIV. Appeals.

A. Any person or persons aggrieved by any decision, act, or proceeding of the Commission shall have a right to apply in writing to the City Council for reversal or modification thereof; and the President of the City Council shall have the right to stay all further action until the City Council may affirm a decision of the Commission by majority vote of all its members. Any such appeal shall be taken within ten (10) days from the date of decision; and the City Council may consider said appeal at its next general or special meeting, but in any event not more than forty-five (45) days thereafter. The City Council has the right to reserve, change, or modify any decision of the Commission only by a majority vote of all its members.

B. Any person or persons aggrieved by any decision of the City Council affecting said district shall have the right to file a civil suit within thirty (30) days from the date of decision in a court of competent jurisdiction under the usual rules of procedure governing same with the right to stay orders and injunctive relief provided the situation warrants it.

Section XV. Applicability of Commission Powers.

The regulatory powers conferred upon the Commission shall apply to all private property in the area controlled by the Commission, including all buildings, structures, area, sites and their adjuncts and appurtenances, insofar as they constitute part of the entirety or tout ensemble of a district or landmark

site; except utility facilities of South Central Bell Telephone Company and New Orleans Public Service, Inc. located on public or private properties provided, however, that this exception shall not apply to electric substations and telephone exchanges. Any governmental agency, other than the City Council, having a responsibility for any buildings, structure, area, site, public way and their adjuncts and appurtenances within a district or landmark site shall seek the advice of the Commission prior to the initiation of any substantive change, modification, renovation, restoration, alteration, construction, or demolition.

Section XVI. Severability Clause.

If any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this ordinance which can be given effect without the invalid provisions, items, or applications and to this end the provisions of this ordinance are hereby declared severable.

Section XVII. Repeal.

This ordinance may be repealed and the Commission thereby abolished by a majority vote of the City Council. (Note: The amended Home Rule Charter of the City of New Orleans which was approved at an election on November 18, 1995, and became effective on January 1, 1996, now includes the Historic District Landmarks Commission, making this section invalid.)

**Adopted by the Council of the
City of New Orleans
March 16, 1978**

**Brod Bagert
President of Council**

**Delivered to the Mayor on March 16, 1978
Approved: March 23, 1978**

**Moon Landrieu
Mayor**

**Returned by the Mayor
on March 23, 1978 at 3:15 p. m.**

**Joseph C. Peterson
Clerk of Council**